IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 1718 of 2005

Between:

C. Venu, S/o. Chinnabba,
Gangadhara Nellore (P &M), Chittoor District.

..... PETITIONER

AND

The Depot Manager, A.P.S.R.T.C., Piler Depot,
Chittoor District.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or directions, more in the nature of Writ of Certiorari call for the records in proceedings No. 01/2(16)/04-PLR dated 24-1-2005 on the file of respondent herein and quash the same with all consequential benefits including arrears and pay.

Counsel for the Petitioner: Mr. P.GOVINDA RAJULU

Counsel for the Respondent: Mr. P.VINAYAKA SWAMY

The Court made the following :

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ORDER:

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The present Writ Petition has been filed questioning the proceedings of the respondent dated 24-01-2005, whereby, the name of the petitioner was deleted from the approved list of Drivers.

2. Heard the learned counsel of both sides. The facts are not in dispute in the present case.

3. The petitioner was selected to the post of Driver and was placed in approved list of Drivers. On 11-10-2004 on route Madanapalle-Tirupati, a pedestrian girl suddenly came in front of the bus from the road side, hit the bus and later died. Though there was no negligence on the part of the petitioner in driving the bus, the respondent herein without following any procedure issued a show cause notice dated 25-11-2004 and finally passed proceedings dated 24-01-2005, deleting the name of the petitioner from the approved list of drivers with immediate effect. Challenging the same, the present Writ Petition is filed.

4. It is contended by the learned counsel for the petitioner that not only the petitioner that could not be reengaged as his name had been deleted from the approval list, but the order itself is stigmatic and it will be difficult for the petitioner to secure any job in future. Without holding any enquiry, the respondent had removed the petitioner allegedly on the ground of unsuitability based on the allegations levelled against him.

5. Admittedly, no enquiry was conducted and no charge sheet was issued. It goes without saying that the entire proceedings are contrary to the settled principle *Audialterm per tem*. Since no enquiry has been conducted and an order impugned has been passed creating a stigma, the order cannot sustain.

6. A learned single Judge of this Court considered the similar issue in Writ Petition No.401 of 2000, dated 22-06-2000 following the judgment of the Supreme Court in

V.P.AHUJA v. STATE OF PUNJAB wherein, it is held by the Apex Court that a probationer or a temporary servant is also entitled to certain protection and his services cannot be terminated arbitrarily no can those services be terminated in a punitive manner without complying with the principles of Natural justice.

7. For the foregoing discussions, the writ petition is allowed by quashing the impugned proceedings dated 24-01-2005. No costs.

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(K.C.BHANU,J)

16th February, 2005.

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To

1. The Depot Manager,

A.P.S.R.T.C., Piler Depot,
Chittoor District.

2. Two CD copies